



**POLICE & CRIME COMMISSIONER**

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### SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	30.7.12	Lisa Pearson	Office Manager & Members Support	
2.0	April 16	Lisa Gilmour	Business Support Manager	Review
3.0	Feb 20	Lisa Gilmour	Business Support Manager	Review

### SECTION 2 BACKGROUND

2.1 This procedure has been written to detail how complaints will be handled in accordance with the legislative and statutory guidance.

### SECTION 3 AIMS / OBJECTIVES

3.1 To detail the way complaints made by members of the public will be handled by the Nottinghamshire Police and Crime Commissioner (“Commissioner”) and the Nottinghamshire Office of the Police and Crime Commissioner (“Office”) as a result of new legislation and guidance.

3.2 To reassure the public that any reasonable complaint made about the Police and Crime Commissioner, Chief Constable, or a Member of the Police and Crime Commissioner’s staff (“staff member”), will be considered and impartially and thoroughly investigated where appropriate within an appropriate time.

### SECTION 4 DETAILS

#### 4.1 What is a Complaint?

A complaint is an expression of dissatisfaction by a member of the public.

## 4.2 Who can complain?

The following persons cannot make a complaint under the Police Reform Act 2002:

- I. A person who at the time of the alleged conduct was under the direction and control of the same chief officer as the person whose conduct it was; or
- II. A person serving with the police, a member of staff of the Serious Organised Crime Agency or the National Policing Improvement Agency or a person on relevant service (falling within the meaning of section 97(1)(a) or (d) of the Police Act 1996) if he or she was on duty at the time that:
  - the conduct took place in relation to him or her; or
  - he or she was adversely affected by it; or
  - he or she witnessed it

## 4.3 When Making a Complaint

To assist in the thorough investigation of your complaint, it is important that you provide as much information and detail as possible. For example you should:

- be specific, wherever possible about exactly what you are alleging was said or done. For instance, instead of writing that you were insulted, you should state what they said.
- provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- provide any relevant background information and/or evidence.

If further clarification is requested and not received within 10 working days, the complaint will be closed.

## 4.4 Complaints Relating to Direction and Control Matters (Operational Policing)

All complaints relating to direction and control matters (operational policing) and about specific police officers with the rank of Chief Constable and below are the responsibility of the Chief Constable.

Such complaints are not “conduct” complaints and therefore are not recorded as complaints against the Chief Constable. It should be noted that there is no right of review against the decision not to record a complaint that is about a direction and control matter.

If you wish to complain about a Nottinghamshire Police direction and control matter or the conduct of a Police Officer below the rank of Chief Constable, there are a number of ways to do this as detailed below:

By writing to the Professional Standards Directorate at Nottinghamshire Police Headquarters

- Nottinghamshire Police Headquarters  
Professional Standards Directorate  
Sherwood Lodge  
Arnold  
Nottingham  
NG5 8PP

E-mail: [complaints@nottinghamshire.pnn.police.uk](mailto:complaints@nottinghamshire.pnn.police.uk)

- Telephone 101 and ask for the Police Station you require or the Professional Standards Directorate
- Make an appointment to see the Professional Standards Directorate

At the conclusion of the investigation into your complaint, you will be advised of the outcome and sent a copy of the Investigating Officer's Report.

#### **4.5 Monitoring of Complaints**

The Police and Crime Commissioner will monitor all complaints made against Nottinghamshire Police officers and staff.

The Office will undertake monthly testing of Nottinghamshire Police complaint files by way of dip sampling to ensure the policy and procedure for handling complaints is being followed.

Six monthly reports from Professional Standards Directorate will be considered by the Joint Audit and Scrutiny Panel. This will inform their understanding of Nottinghamshire Police's performance on the handling of complaints, conduct matters and death or serious injury matters to identify problems or good practice within the force and to ensure that learning is captured, disseminated and monitored.

#### **4.6 Complaints relating to the Conduct of the Police and Crime Commissioner**

Any complaint that relates to the conduct of the Police and Crime Commissioner will be considered by the Police and Crime Panel.

Should you wish to complain about the Police and Crime Commissioner, please put your complaint in writing and send it to:

Chair of the Police and Crime Panel  
Nottinghamshire County Council  
County Hall  
West Bridgford  
Nottingham  
NG2 7QP

The Police and Crime Panel are responsible for ascertaining if a complaint relates to an allegation of criminal behaviour. If it does, the Police and Crime Panel will refer the complaint to the Independent Office of Police Conduct (IOPC) for investigation.

#### **4.7 Complaints relating to the Conduct of the Chief Constable**

Any complaint that relates to the conduct of the Chief Constable will be handled by the Police and Crime Commissioner.

The Police and Crime Commissioner is responsible for ascertaining if a complaint relates to an allegation of criminal behaviour. If it does, the Police and Crime Commissioner will refer the complaint to the IOPC for investigation.

Where a complaint is recorded, the Commissioner will provide the complainant with a reference number and a copy of the record of complaint.

The Chief Constable will also be informed of the complaint and the recording decision unless to do so;

- May prejudice any criminal investigation; and/or
- Is otherwise contrary to public interest

Should you wish to complain about the conduct of the Chief Constable please put your complaint in writing and send it to the below address:

The Police and Crime Commissioner  
Nottinghamshire Office of the Police and Crime Commissioner  
Arnot Hill House, Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

E-mail: [nopcc@nottinghamshire.pnn.police.uk](mailto:nopcc@nottinghamshire.pnn.police.uk)

Further information about the complaint handling process can be found in Appendix A (pages 7-11).

#### **4.8 Complaints relating to the Nottinghamshire Office of the Police and Crime Commissioner's Staff**

Line Managers are responsible for investigating complaints that relate to their staff.

If you wish to complain about a staff member of the office, please put your complaint in writing and send it to the below address:

Nottinghamshire Office of the Police and Crime Commissioner  
Arnot Hill House, Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

E-mail: [nopcc@nottinghamshire.pnn.police.uk](mailto:nopcc@nottinghamshire.pnn.police.uk)

#### **4.9 Complaints relating to the service you have received from Nottinghamshire Office of the Police and Crime Commissioner or regarding a staff member**

The Chief Executive is responsible for investigating complaints that relate to the level of service you have received from the Nottinghamshire Office of the Police and Crime Commissioner.

If you wish to complain about the level of service you have received, please put your complaint in writing and send it to the below address:

Chief Executive  
Nottinghamshire Office of the Police and Crime Commissioner  
Arnot Hill House, Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

E-mail: [nopcc@nottinghamshire.pnn.police.uk](mailto:nopcc@nottinghamshire.pnn.police.uk)

Further information about the complaint handling process can be found at Appendix B (pages 12-13).

### **SECTION 5 LEGISLATIVE COMPLIANCE**

This document has been drafted taking into account the general and specific duties in the Equality Act 2010, Freedom of Information Act 2000, Data Protection Act 1998, Human Rights Act 1998, Employment Act 2002 and Employment Relations Act 1999, and other legislation relevant to policing.

## **Appendix A**

### **Complaints about the Chief Constable**

#### ***What to expect***

The way in which complaints about a Chief Constable are dealt with is described in legislation and there are different options for handling the complaint depending on its nature.

Unless the subject-matter of the complaint has been, or is already being, dealt with by means of criminal proceedings, the complaint will be determined either by the Police and Crime Commissioner, or the Independent Office for Police Conduct.

#### ***Complaints involving the actions of the Chief Constable, and other persons serving with the police.***

Where the matter concerns the Chief Constable and other persons serving with the police, the matter relating to the Chief Constable will be handled by us, and the matter relating to the other persons, by the police force.

#### ***Complaints that can be resolved quickly to your satisfaction***

We may be able to resolve some complaints quickly to your satisfaction. Complaints handled in this way are likely to be ones where you want an explanation, or for your concerns to be listened to, passed on, and addressed and could include one of more of the following actions being taken:

- We provide you with information and an explanation that you are satisfied with.
- We provide you with an update on outstanding matters.
- We answer questions you have.
- We offer an apology for poor service.
- We confirm that steps have been taken to prevent further error.
- We signpost you to appropriate services.
- We log your concerns for consideration when a policy or procedure is next due for review.

and you agree that these steps are sufficient to remedy the matter to your satisfaction.

If, however at any point it appears that remedying the matter to your satisfaction cannot be achieved in a timely manner, or without substantial additional steps being taken, you can ask for your complaint to be handled under the legislation concerning police complaints and police misconduct. This means that it must then be dealt with according to formal rules and guidance, and you have a right to a review of that handling if you remain dissatisfied with the outcome. The next section provides further information about complaints handled in this way.

#### ***Complaints that require additional steps to resolve***

Complaints that require additional steps to resolve are likely to qualify for handling under legislation concerning police complaints and police misconduct (the Police Reform Act 2002, Schedule 3).

Such complaints will be 'recorded', and we are required to notify you promptly when we do this. Recording a complaint means that it has formal status under the Police Reform Act 2002. It must then be dealt with according to formal rules and guidance. If we do not record your complaint, and you believe we should have, you can review to the Independent Office for Police Conduct.

Recorded complaints will either be handled by us, or by the Independent Office for Police Conduct, depending on the matter under complaint. The way in which the complaint is handled must be reasonable and proportionate to the matter in question.

Depending on the circumstances, this may mean:

- an investigation of the matter
- seeking to resolving your concerns in another way
- on occasion, informing you that no further action will be taken.

'Reasonable and proportionate' is explained in the police complaints legislation as:

*Doing what is appropriate in the circumstances, taking into account the facts of the matter and the context in which it has been raised within the framework of legislation and guidance, weighing up the matter's seriousness and its potential for learning, against the efficient use of policing resources.*

The 'reasonable and proportionate' approach relates to all aspects of the complaint handling process.

### ***Complaints that we are required to refer to the Independent Office for Police Conduct***

We are required to promptly refer all qualifying complaints about the Chief Constable to the Independent Office for Police Conduct who will decide whether the matter should be investigated. We will notify you when we make such a referral.

A complaint that will be referred to the Independent Office for Police Conduct is likely to be one that:

Where the conduct alleged, if it were proved,

- i) could justify the bringing of criminal or disciplinary proceedings.
- ii) involved the infringement of a person's Human Rights

Or alleges

- i) serious assault, or sexual offence
- ii) serious corruption
- iii) discriminatory behaviour on the grounds of a person's status under the Equality, Diversity and Human Rights legislation

Or

- i) The matter complained about resulted in death or serious injury.
- ii) The gravity of the subject matter is considered to warrant referral.

If the Independent Office for Police Conduct decide that it should be investigated, then they will determine how it is investigated, which for a Chief Officer will be either a directed investigation (where the Independent Office for Police Conduct will oversee an investigation undertaken by an appropriate person from another police force or National Crime Agency ) or an independent investigation (an investigation carried out by the Independent Office for Police Conduct themselves).

If they decide that a matter does not need to be investigated by them, then it will generally refer the matter back to us to handle. In any event, they / we will inform you of their decision.

### ***What we will do***

As soon as possible after receiving your complaint, we will acknowledge receipt and we will provide you with the contact details of the person nominated to keep you informed of progress. At the same time, we will seek clarification from you to ensure that we properly understand your complaint, your views on how the complaint should be handled, the outcome you want and any adjustments that may be required to enable you to participate effectively in the process.

If we consider that your issue falls outside the police complaints system, we will inform you of this, and why. We will also explain the options available to you, including what you can do if you are dissatisfied with the way in which we propose to handle your complaint.

If we are not the appropriate body to deal with your complaint, we are required to send it to the appropriate body and we are not required to seek your consent to do this. We will inform you that we have done this, the content of what has been sent and the name of the body it has been sent to. An example when this will be the case is where a complaint names the Chief Constable but the complaint is about something where authority has been delegated to another officer or staff member within the police force.

*Complaints that do not qualify for referral to the Independent Office for Police Conduct, or that are referred back to us to handle by the Independent Office for Police Conduct*

For recorded complaints that do not qualify for referral to the Independent Office for Police Conduct, or that are referred back to us by the Independent Office of Police Conduct to handle, we will contact you promptly to explain the options available to you, including what you can do if you are dissatisfied with the way in which we propose to handle your complaint.

Sometimes, the outcome you want may not be possible, or may not be reasonable or proportionate. If and when it becomes apparent that the outcome of a complaint is unlikely to meet your expectations, we will contact you promptly to explain the reason for this to you.

Similarly, where no further action is required of us to reasonably and proportionately respond to a complaint, we will provide you with a sound and clear rationale for this approach. We will also provide information about how you can ask for your complaint to be reviewed if you are not satisfied. In any event, we will keep you informed on progress at least every 20 working days.

We will inform you in writing of the outcome of your complaint within 5 days of the outcome being determined. This will include an explanation of how the matter has been handled, the actions taken, the findings and the outcome. If appropriate, it will also include the reasons for not taking certain actions.

At the same time, we will provide you with details about your rights to a review, who to address your request for review to, and what you are required to include in your request.

We are required to inform and keep you updated in writing, however depending on your wishes, information can be provided both in writing and by another method to meet your needs.

Consideration will be given to whether it is appropriate to offer or grant requests for a meeting if this is the best way to keep you properly informed. As soon as practicable after any such meeting, you will be sent a written record of the meeting with an explanation of how any concerns raised will be addressed.

*Additional responsibilities where your complaint has been subject to an investigation overseen by us (local investigation)*

Where your complaint has been subject to an investigation overseen by us, we have additional responsibilities towards keeping you informed. Unless there is a justifiable reason not to do so, we will keep you informed about the following:

- Information about the stage reached
- What has been done
- What remains to be done
- Where applicable, a summary of any significant evidence obtained.
- The likely timescale for completing the investigation or other handling, any revisions to this and the reason for the revision.
- If there is a delay, why there is a delay and steps taken to address any impacts of the delay.

The first update will be provided in writing within four weeks of the start of the handling of the complaint or matter, and subsequent updates will be provided at least every four weeks after that.

Depending on your wishes, updates can be provided in both writing and by another method. Consideration will be given to whether it is appropriate to offer or grant requests for a meeting if this is the best way to keep you properly informed. As soon as practicable after any such meeting, you will be sent a written record of the meeting with an explanation of how any concerns raised will be addressed.

Investigations may take some time to complete. If an investigation exceeds 12 months, we will provide you with information that will include:

- The progress of the investigation
- An estimate of when the report on the investigation will be submitted or completed
- The reason for the length of time being taken to complete the investigation, and
- A summary of the planned steps to progress the investigation and bring it to a conclusion.

Unless there is a justifiable reason not to do so, you will also be provided with a copy of the investigation report.

### ***Complaints investigated by the Independent Office for Police Conduct***

If your complaint is referred to the Independent Office for Police Conduct for investigation, unless there is a justifiable reason not to do so, they are required to keep you informed about the following:

- Information about the stage reached
- What has been done
- What remains to be done
- Where applicable, a summary of any significant evidence obtained.
- The likely timescale for completing the investigation or other handling, any revisions to this and the reason for the revision.
- If there is a delay, why there is a delay and steps taken to address any impacts of the delay.

The first update will be provided in writing within four weeks of the start of the handling of the complaint or matter, and subsequent updates will be provided at least every four weeks after that.

Depending on your wishes, updates can be provided in both writing and by another method. Consideration will be given to whether it is appropriate to offer or grant requests for a meeting if this is the best way to keep you properly informed. As soon as practicable after any such meeting, you will be sent a written record of the meeting with an explanation of how any concerns raised will be addressed.

Investigations may take some time to complete. If an investigation exceeds 12 months, The Independent Office for Police Conduct will provide you with information that will include:

- The progress of the investigation
- An estimate of when the report on the investigation will be submitted or completed
- The reason for the length of time being taken to complete the investigation, and
- A summary of the planned steps to progress the investigation and bring it to a conclusion.

The Independent Office for Police Conduct will inform you in writing of the outcome of your complaint within 5 days of the outcome being determined. This will include an explanation of how the matter has been handled, the actions taken, the findings and the outcome. If appropriate, it will also include the reasons for not taking certain actions. If you require this information by other means to meet individual needs, in addition to in writing, they are required to accommodate this.

Unless there is a justifiable reason not to do so, you will also be provided with a copy of the investigation report.

<<PROTECTIVE MARKING>>

The Independent Office for Police Conduct will, unless there is a justifiable reason not to, keep you informed of progress, and the outcome of, any criminal, disciplinary or performance proceedings, or reflective practice review processes (Reflective practice is the ability to reflect on actions and improve the way an individual works. Reflective practice processes extract value from experiences, enabling a greater appreciation and awareness of development needs) arising from your complaint, and the existence of and outcome of any review made by the Chief Officer against any of these proceedings. They are required to inform you of outcomes and where applicable, the bringing of an review, within 5 working days.

<<PROTECTIVE MARKING>>

## **APPENDIX B**

### **Complaints about a member of staff in the Police and Crime Commissioner's team**

#### ***What to expect***

Complaints about members of staff are handled by the relevant line manager, unless the member of staff receiving your complaint is able to resolve it to your satisfaction at first point of contact.

Sometimes, the outcome you want may not be possible, or may be unreasonable or disproportionate. If and when it becomes apparent that the outcome of your complaint is unlikely to meet your expectations, we will contact you promptly to explain the reason for this to you.

Similarly, where no further action is required of us to reasonably and proportionately respond to a complaint, we will provide you with a sound and clear rationale for this approach. We will also provide information about how you can ask for your complaint to be reviewed if you are not satisfied.

Possible outcomes to a complaint about a member of staff include:

- An apology and actions to prevent recurrence.
- Organisational learning
- Referring the matter to be dealt with under criminal, disciplinary or performance proceedings.

#### ***What we will do***

We will log your complaint on our systems and acknowledge your complaint within 10 working days and we will provide you with the contact details of the person nominated to keep you informed of progress. At the same time, we will seek clarification to ensure that we properly understand your complaint, your views on how the complaint should be handled, the outcome you want and any adjustments that may be required to enable you to participate effectively in the process, as required.

We will inform you in writing of our determination of the outcome to your complaint within 20 working days of receiving the above information, unless there are exceptional circumstances that prevent us from doing so. In such circumstances, we will keep you informed on progress at least every 20 working days.

We will include an explanation of how the matter has been handled, the actions taken, the findings and the outcome. If appropriate, it will also include the reasons for not taking certain actions.

At the same time, we will provide you with details about your rights to review, who to address your request for review to, and what you are required to include in your request.

We will keep you updated in writing, however depending on your wishes, information can be provided both in writing and by another method to meet your needs.

Consideration will be given to whether it is appropriate to offer or grant requests for a meeting if this is the best way to keep you properly informed. As soon as practicable after any such meeting, you will be sent a written record of the meeting with an explanation of how any concerns raised will be addressed.

## Reviews

### ***What to expect***

The purpose of the review will be to ensure that we have acted fairly and reasonably in dealing with your complaint, and that the outcome is reasonable and proportionate.

Your review will be handled by a Senior Officer not involved in the original investigation.

If problems are identified with the decision making process or in the way the investigation was managed, we will take appropriate action to improve relevant processes to prevent recurrence. If appropriate, the outcome decision will be reconsidered.

### ***What we will do***

We will log your request for a review on our systems and acknowledge your request and respond to you with the outcome at the earliest opportunity.